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## TOWN OF ROCKLAND

Board of Selectmen  
Town Hall  
242 Union Street  
Rockland, Massachusetts

*Chairman:*

Louis U. Valanzola

*Vice-Chairman:*

Lawrence J. Chaffee

*Selectmen:*

Mary A. Parsons

Keven D. Pratt

Kelli A. O'Brien-McKinnon

*Town Administrator:*

Bradley A. Plante

**MINUTES OF THE BOARD OF SELECTMEN'S OPEN SESSION held on  
Monday, November 21, 2005 at 7:00 PM in the H. Bernard Monahan Memorial Room,  
Town Hall, 242 Union Street Rockland, Massachusetts 02370**

**ATTENDANCE: Louis U. Valanzola, Lawrence J. Chaffee, Mary A. Parsons,  
Keven D. Pratt and Kelli A. O'Brien-McKinnon**

Mr. Valanzola led everyone in reciting the Pledge of Allegiance.

### **A. MINUTES**

1. Open Session – September 19, 2005

**Motion: Mr. Pratt to approve Minutes of September 19, 2005**

**Second: Mrs. O'Brien-McKinnon**

**Vote: 5-0**

### **B. UNFINISHED BUSINESS**

1. SSTTDC – Terry Fancher – Update

Mr. Fancher – It's been five months since I've been here. An update was given. The \$6.3 million is the sum of money that comes out of that for athletic fields but in all honesty I don't know if that's ever been discussed with your BOS. It is my understanding that it actually gets advanced in the form of the \$1.26 million figure. So I've asked the folks at LNR to say where does that \$150,000 for athletic fields come from since it's outside of the preview of anything that you voted on. Their answer to me was that they were in the process of working out the agreements in each town and what they are looking for in their Host Community Agreements which they have not yet signed with any of the three communities are the two figures (\$6.3 & \$1.26 million). The \$6.3 is something you agreed to; the \$1.26 is something that we actually voted on through our own board of directors. It's not a great answer it's the best answer that I have at this time. So where does the \$150,000 come from? Out of each of those funds or is it some totally different fund? I don't have a good answer but I figured I would put it at the top of the list because I knew you wanted to discuss it. Mr. Valanzola – My primary concern when we spoke last week was that

## **B. UNFINISHED BUSINESS (Continued)**

### **1. SSTTDC – Terry Fancher – Update**

there was an indication that the \$1.26 million was coming out of the \$6.3 million. That was somewhat of a shock as we thought it was in addition to the \$6.3 million. Mr. Fancher – Correct \$6.3 plus \$1.26 million. Mr. Valanzola – There really hasn't been any discussion by this board as far as what to do with that money. I understand that something was promised to the sports people. I got a message from Mr. Hall that he was getting a lot of calls from the sports people and consequently I got a lot of calls from people that were unhappy with what was happening. The BOS has never discussed anything. Mr. Fancher – What I wanted you to understand is that the \$6.3 is completely separate from the \$1.26. The \$1.26 is something that our board in the waning hours based on several comments that were made that the Towns will never see any money for this project. It was a way for us to demonstrate a commitment for that. It's a great challenge for us because we're going through our discussions and negotiations with them at the present time to make sure my year five and your four revenues which total a million and a half dollars each year will actually get covered in some size, shape, form or fashion. Which is one of the reasons we come to you tonight...to simply give and update on what this waiver is all about. I would like you to know that our board of directors have looked at this .... The way it really started (and Mrs. Parsons is a part of that Citizens Advisory Committee (CAC) and I've been a part of that committee for about five years) the weekend before this thing was supposed to be filed as a notice of project change, I took all the minutes home and looked at them as best I could and came to the realization that it seemed that we ought to be doing more to see if we could get something constructed. Our board of directors unanimously asked LNR to come back to us with a plan. What can we do within this waiver? I need to explain to you that the waiver (in Weymouth they said they never heard of the waiver) if you were part of the Citizens Advisory Committee you would know that we had a waiver in place just after the Mills Corporation was in place. The waiver was a plan that was created by then Executive Director Ken Goff and it was while discussions were going on with Mass Development. Basically what it allowed was some property that was conveyed or was about to be conveyed by the Navy it would allow certain developments to take place in a timely fashion and you could operate up to a certain amount of gallons of water a day (150,000 gallons and 127,000 gallons of sewerage a day). You also couldn't exacerbate the traffic on Route 18 any worse than it already was. Mrs. Parsons and other members of that CAC as late as two months ago looked at that and they honed right in on it and they focused on those three elements. You did your job and it was good that you all looked at that and said what can be done ... what is LNR going to do ... and what are we going to do as SSTTDC. Our plan is to accept what the CAC has done on the base wide notice of project change. It's a fine document...all the work has been done. What we want to do is to overlay in the land that we own ... I think I've said this four or five times at this point but even the Navy didn't understand what the Phase IA waiver was all about. For some reason they thought we were trying to develop on land that they owned. Which is a good trick because we don't own that land. What we are looking at is property we own and have owned since June of 2003 and we will be looking at a plan and our intent is starting in the early part of 2006 to take out building 33A (the gate

## **B. UNFINISHED BUSINESS (Continued)**

### **1. SSTTDC – Terry Fancher – Update**

house where offices for advanced auto training has been) those buildings will be demolished. The first thing that you will see will be some sort of signage to memorialize the fact that this is the SSTTDC. If you drive up the driveway (past the jet) and before our building there is a driveway that goes in there. That little driveway will become the new front door for this development. Mr. Fancher went on to explain that he thought two areas would be the first two for building permits probably in February or March next year. There will be a new road constructed, the construction the infrastructure for the roads will take place in 2006. It is our anticipation that we will see some sort of housing taking place in the year 2007. By September 2008 we would expect to see students that would be going to Weymouth schools at that point. We have guesstimated between 60-92 students. We are not doing anything that is not in the master plan. When people talk about why we are going through a project change...we have to go through a project change. We have to because the notice of project change is required to be filed because this is a changed plan from what was originally passed. When you voted at Town Meeting for this change, it necessitated us making a notice of project change because the plan adopted by you and the other two communities is a change from what it was originally. Our hope is that we can answer any and all questions you may have. Mr. Fancher gave a brief update of the budget. After I got my arms around this plan (after being there about 7 months) I realized that we're going to have to have a planner of some sort on staff. There has been the feeling that LNR would be the master developer and would develop each and every parcel but that's probably not going to be the case. I need to make sure that I have a planner on staff to make sure that whenever someone comes in with a building plan it actually meets the needs that we have. Mr. Fancher spoke on transportation improvements. We can't go much further unless we have the east/west connector construction already underway and if we don't we have to have some sort of a construction road in place. It is incumbent upon us to make sure we have done our job with that. On the golf course there has been a lot of discussion that is our responsibility – honest truth of it is, we are not golf course developers so that's been one of the discussion points with them. What you do need to know is as of last Monday when you probably read about the meeting in Weymouth and people were saying what did the Navy say to you. I spoke with David Drozd about what the various scenarios would be for the disposition of the property if it didn't pass the Town Meetings. He assured me we will see a written response from his contractor to our initial EDC revised application (September 9<sup>th</sup>) by November 30<sup>th</sup>. Mr. Fancher thanked Donald Cann and the Open Space Committee and there is an issue and it has to do with the mowing of the property that has to do with the Navy. The Grasshopper Sparrows can't flourish if the grass gets too high. It's important for the Navy to do their part (we've done our part) and we have asked them to take care of that. We have also asked that they bale the hay they get from there and that they store it locally. We were told that it would probably increase some sort of habitat and that it wouldn't be safe to put it in hangers because the by-product of this would be methane gas. So I doubt that you are going to see this stored indoors. The issue of transportation phasing is absolutely critical to us. Ned Corcoran will be helping us with contracts and

## 1. SSTDC – Terry Fancher – Update (Continued)

funding. We made a contract with DEP that will fund a part of our environmental analysis. Within this State, DEP doesn't have full time staff that are paid to look at projects as they come up. It is up to the proponent to pay for the reviews that they will do for the project before them. Two years ago we committed the sum of money (\$50,000) be paid to DEP and they would spend this and would give us an accounting of those funds. To date at the end of October \$1,921 has been spent and we know we signed a check last week for the \$50,000 and it has gone into their account to spend down as they go through that environmental analysis. It was a commitment made two years ago but is just now being funded. DOR – We have been here before and we told you that it was our best estimate that we would need to have a business plan (a DOR Plan) in place by January 1, 2006 because we thought the land would have been transferred by then. Land has not been transferred and probably won't be transferred by January 1, 2006 and what we have been told that it's probably through DOR we start taxing off about a year to about January 1, 2007. What happens if a building comes in 2006? Payments will be made in lieu of taxes and that is the way that this will be handled our first year of operation. We are working on the regulatory framework now and Mr. Fancher explained this in more detail. Regarding Chapter 40 Smart Growth...I don't have an answer for you. What I can tell you is that we have started to look at it and expect that our board will be given a presentation sometime in December. Our 40 R overlay district...should we decide to do it this would require Town Meeting/Town Council approval and we would have to come back next spring. Finally, this issue of unescorted access...I would like to let you know where we are really coming from. It is not our intention from keeping anyone from the base. The Navy does have an unescorted policy and that is "if you are on our property you are trespassing". Two things have caused me to take a look at this. One was monetary and one was safety. I came before your board last summer just after there had been an incident on the base. What we wanted to do was to figure out how to solve some of the security issues. While we are not implementing any kind of an unescorted policy, I will come before the RAB on December 8<sup>th</sup> to go into more detail and get some input. As I did my budget this year and we went through and looked at it the realization that as more property gets transferred to us my liability insurance goes up. That covers anyone who happens to be injured on our property. The past year that was \$50,000...now it's up to \$72,000 and that number will go up. The Navy had a self-insured plan so that was never an issue. Therefore, I'm going to be looking at ways to deal with these escalating security cost while the same time try to respect peoples desires to come on the base. After all, we want it to work into the community. Mrs. Parsons brought up the shooting at the base, the bucket truck and security issues. The SSTDC voted on the revisions to meet the Phase I waiver development plan...that makes this a public document so anyone requesting a copy of this can obtain it from SSTDC. In terms of the money that was negotiated, it was my understanding that Weymouth negotiated for Weymouth, Abington and Rockland unbeknownst to us. On the very day they voted to have SSTDC and LNR or both give another \$1.26 million to us. It was \$3 million total and it was to be divided up. It was my understanding that it was negotiated by the Town of Weymouth. Also there is an issue with the DOR actually accepting a letter that was sent to us by LNR, they seem to have problems with the way the letter was written. I think we need to have those issues cleared. Mr. Fancher – Let me try and respond to that. I know there has been a new one sent to you. Mr. Plante – We received it two weeks ago and sent it to the DOR

## 1. SSTTDC – Terry Fancher – Update

and they're still not comfortable with it; which makes me wonder why Weymouth is okay. He would rather not be pressured into accepting that letter. I think part of the problem with the letter (and I don't see why LNR can't understand) is that all we wanted was one paragraph and they wrote a page and a half of very confusing information which I guarantee you LNR has no idea what they are talking about. It was very convoluted and all it did was confuse him more. They added in all this information that is not related to the question. His position was that our emphasis should be on getting the free cash certified then the LNR money becomes somewhat moot at this point. He would feel much more comfortable with us having the money in our hands than basing it on a letter. I don't know why it appears that Weymouth is being treated differently than Rockland. Mr. Fancher – If you have some suggested wording, I would like to submit it to LNR. Mr. Valanzola – Yes, we don't care. Whatever worked for Weymouth, let's do it for Rockland. Mrs. Parsons – Do we have a copy of letter from Weymouth that DOR accepted? Mr. Plante – Yes, I gave a copy of that to the BOS quite some time ago. All I know is that the Weymouth letter was accepted and they were allowed to use that \$1.36 as a one time revenue. Mrs. Parsons – Could you send up a copy of your profit and loss detail for this year. Mr. Fancher – Absolutely, it's certified by our accountant so I'd be happy to. Mrs. Parsons – Questioned MEPA Phase I. Mr. Valanzola – Felt it would be best if we scheduled more update meetings before the BOS so there wouldn't be so many issues to resolve. Mr. Chaffee – Asked Mr. Fancher to explain the amount of money that the three towns got in the second agreement...could you explain that to the audience. Mr. Fancher – There were statements made by this board and other boards that the towns would never see anything based on this plan. It actually started innocently enough prior to the town meetings being scheduled. It was an incentive we had as to how to get the towns to sign up to do the town meetings in the first place. Originally it was ... why don't we give a signing bonus to the first town that signs up. The attorney's didn't think that was a good idea. It wasn't until a week before Weymouth's town meeting that our Senator's and Representative's suggested that it might be a good idea to have that in place before the final vote took place. Our board voted unanimously to front end a sum that would be split among the three communities based on the 46%, 42% and 12%. It is our operating funds and your funds and your 4 & 5. It's not a strong selling point to you but to us getting this plan moving quicker gives us a change to have operating income that comes in quicker. This allows us actually pay for that commitment that we made to the three communities. This is one of the ways that we intend to get that money in quicker. Mr. Chaffee – Questioned if Abington got a letter and if their letter was accepted by the DOR what makes Rockland's letter not appropriate. Mr. Fancher – I don't know if Abington has a similar letter. Mr. Plante – He didn't say he was disapproving it...he just said he was uncomfortable with it.

## 2. Permits and Licenses (Continued)

Class II license holders and Doug Jeffrey was invited to this meeting. Violations found: McGee – License is for 15 vehicles...he has had as many as 19 on display. McLaughlin – 218 VFW Drive, parking vehicles at 200 VFW anywhere from 6-8 vehicles and that property is not listed on his license. Mr. Chaffee expressed his concerns that these two license holders continually disregard the violations.

## 2. Permits and Licenses (Continued)

### Class II Licenses

1. Quality Auto Sales, 333 Weymouth Street
2. Fader Motors, 49 Market Street
3. Lou's Autobody, 577 Market Street
4. Southeastern Auto, 258 Union Street
5. Joe's South Shore Auto, 104 Market Street
6. W.C.S. Auto, One Bishop Lane
7. Rockland Autobody, 565 Webster Street
8. Dennis Autobody, 277 North Avenue
9. East Coast Auto Movers, 187 VFW Drive
10. Frank Russo Motors, 415 VFW Drive
11. Grove Autobody, 366 Centre Avenue
12. Cobb Autobody, 285 W. Water Street
13. McGee Used Car Annex, 511 Union Street
14. Supreme Muffler, voted as "511 North Ave" (Actual address 511 Plain Street)
15. Supreme Muffler, 218 VFW Drive

**Motion: Mr. Chaffee table action on McGee Used Car Annex until December 19<sup>th</sup> he will have to come down to the 15 car limit and maintain this. This will be strike II and the third strike his license will be revoked.**

**Second: Mr. Pratt**

**Vote: 5-0**

ZBA and counsel are to be invited to next meeting.

Mr. Chaffee questioned Supreme Muffler on why we are still talking about 200 VFW Drive today when this was the topic of conversation last year? Supreme – We own 200 VFW Drive but were told we could not put cars on that property for sale. Basically what happened was a couple strayed over; I got notified and moved them back. When I spoke to Doug today, I had three or four over there again and I moved them back again today. We are in the process of combining both properties that we own and we are coming to the board with plans. We have lawyers involved trying to do it the proper way so that we can turn that into a car wash with a service station/convenience store. Both pieces of this property will be deeded together in the process. It's not like I'm drifting onto someone else's property...it's my own. Yes, I have drifted off but when it has been brought to my attention it is rectified. Mr. Chaffee – You understand how this cynical few that may be in Town will say that every time the license comes up the cars come off the property. Supreme – my intention is to conform because I don't need the headache. When you are in the used car business you are scrutinized every year. There is no other person that has to come in front of you every year to renew. Mr. Chaffee – I recognize what you are saying but we have 15 licenses. Out of these fifteen only two (2) have violations and it's the same two each year. Supreme – There are a lot of licenses that are held by people that this is not their primary business...all I can promise you is to do everything in my power

## 2. Permits and Licenses (Continued)

to conform. I apologize and will do the best I can not to have it happen. He questioned having this as a strike II. He feels it should be a strike I. Mr. Chaffee – Suggested that if he can go one year without a violation that one strike would be taken away.

**Motion: Mr. Chaffee - To approve all Class II Licenses with the exception of McGee and Supreme Muffler which will be tabled until December 19th**

**Second: Mr. Pratt**

**Vote: 5-0**

### Entertainment

1. Cataloni's Restaurant, 86 VFW Drive
2. Radisson Hotel, 929 Hingham Street

**Motion: Mr. Pratt to approve the two entertainment licenses**

**Second: Mr. Chaffee**

Mrs. Parsons questioned an issue on Cataloni's license. Mr. Chaffee withdrew his second on the motion.

**Motion: Mrs. Parsons to table Cataloni's entertainment license until Dec. 19th**

**Second: Mr. Pratt**

**Vote: 5-0**

**Motion: Mr. Pratt to approve Radisson Hotel's entertainment license**

**Second: Mr. Chaffee**

**Vote: 5-0**

### Common Victualler

1. Burger King, 1333 Hingham Street
2. Burger King, 157 Market Street
3. Cataloni's Restaurant, 86 VFW Drive
4. Tuscany Express, 190 VFW Drive
5. Tuscany 323, 323 Union Street
6. Radisson Hotel, 920 Hingham Street
7. Dunkin Donuts, 851 Hingham Street
8. Oriental Express, 8 West Water Street

**Motion: Mr. Pratt to approve all except Cataloni's which will be tabled until December 19<sup>th</sup>**

**Second: Mrs. Parsons**

**Vote: 5-0**

## 2. Licenses & Permits (Continued)

### Innholder

1. Radisson Hotel, 920 Hingham Street

**Motion: Mr. Pratt to approve**

**Second: Mrs. O'Brien-McKinnon**

**Vote: 5-0**

### All Alcohol – Common Victualler

1. Tuscany, 323, 323 Union Street
2. Cataloni's Restaurant, 86 VFW Drive
3. Rokie's Bar & Grille, 363 Union Street
4. R & R Tavern, 354 Liberty Street
5. Ninety-Nine Restaurant, 2 Accord Park Drive
6. Not Just Seafood, 371 Union Street
7. Rockland Golf Course , 276 Plain Street

**Motion: Mr. Pratt to approve all except Cataloni's Restaurant**

**Second: Mrs. O'Brien-McKinnon**

**Vote: 5-0**

**Motion: Mr. Pratt to approve Cataloni's Restaurant pending settlement of  
outstanding taxes**

**Second: Mrs. O'Brien-McKinnon**

**Vote: 5-0**

### All Alcohol-Club

1. Fraternal Order of Eagles Aerie #841, 29 Park Street
2. South Shore Racquet & Fitness, 406 VFW Drive
3. Columbia Social Club, 440 Webster Street
4. Harmon Golf, 168 Concord Street

**Motion: Mrs. O'Brien-McKinnon to approve all**

**Second: Mr. Pratt**

**Vote: 5-0**

### Commercial Club – Wine & Malt

1. Mass Inline & Sports Club, 180 VFW Drive

**Motion: Mrs. Parsons to approve pending issues being resolved**

**Second: Mr. Pratt**

**Vote: 5-0**



## 2. Licenses & Permits (Continued)

### Common Victualler – Wine & Malt

1. Mike's Pizzeria, 312 Union Street

**Motion: Mr. Pratt to approve**

**Second: Mrs. O'Brien-McKinnon**

**Vote: 5-0**

### All Alcohol – Innholder

1. Radisson Hotel, 929 Hingham Street

**Motion: Mrs. O'Brien-McKinnon to approve**

**Second: Mr. Pratt**

**Vote: 5-0**

### All Alcohol – Retail Package

1. Station Liquors, 21 E. Water Street
2. South Shore Package, 328 Union Street
3. Cote' Maison, 347 Market Street

**Motion: Mrs. Parsons to approve**

**Second: Mr. Pratt**

**Vote: 5-0**

### Wine & Malt – Retail Package

1. Tedeschi Food Shop, 474 Market Street
2. One Stop Mart, 339 Centre Avenue

**Motion: Mr. Chaffee to approve**

**Second: Mr. Pratt**

**Vote: 5-0**

## 3. Appointments – Youth Commission, Capital Planning Committee

Youth Commission – Laurie Dolan, 169 Turner Road

**Motion: Mr. Chaffee to approve Laurie Dolan to Youth Commission (filling in term for member who resigned – until 2007)**

**Second: Mrs. Parsons**

**Vote: 5-0**

3. Appointments – Youth Commission, Capital Planning Committee

Capital Planning Committee – Richard Phelps, 224 Myrtle Street

**Motion: Mr. Pratt to approve Richard Phelps to Capital Planning Committee for a one year term.**

**Second: Mr. Chaffee**

**Vote: 5-0**

**C. NEW BUSINESS**

1. Classification Hearing – Board of Assessors

**Motion: Mr. Chaffee to open hearing**

**Second: Mr. Pratt**

**Vote: 5-0**

Mr. Gibbons (Assessor) – Requests hearing be postponed until December 6<sup>th</sup> as all paperwork for revaluation has not been completed yet.

**Motion: Mr. Chaffee to postpone until December 6<sup>th</sup> at 7:00PM for the sole purpose of discussing the tax classification**

**Second: Mr. Pratt**

**Vote: 4-0-1 (Mrs. Parsons-against)**

Mr. Chaffee – Mrs. Parsons what night did you want to do it? Mrs. Parsons – Monday before Town Meeting. Mr. Chaffee – You won't have cameras there. Mrs. Parsons – You don't need cameras there and there is no real rush...they don't have the paperwork from the State. Mr. Plante – There is a rush because we need it to set the tax rate. If you push him to the 19<sup>th</sup> you are really going to put us in a big time jam. Mr. Chaffee – What she is suggesting is the Monday night before Town Meeting and my problem with that is that with Town Government...this is one of the more interesting topics that people in Town look at. They want to see the reasoning behind it because it affects every homeowner. I think this is the type of thing you want visible to the residents in Town. Not something that you would do "behind closed doors". Mrs. Parsons – We're not behind closed doors...the meeting is open to the public. The paperwork is what sets the tax rate and you are going to come before us and tell us what the tax rate will be. Mr. Valanzola – No, this is the classification. Mr. Gibbons – The assessors set the tax rate. The statutory authority the Selectmen have is to classify or not to classify... meaning shift the rate (a single rate or a double rate). Mrs. Parsons – And historically we never do it. Dave Murphy (WRPS) – As long as you are not live, there is a high probability that we could tape on either date. I can get back to Brad tomorrow and let him know for sure. Mr. Chaffee – We have two issues before us. We have the issue of the Executive Session which is time sensitive and the issue of the tax classification which is time sensitive. Mr. Plante – You could do that Executive Session on the evening of the 5<sup>th</sup> prior to Town Meeting. Mr. Chaffee – That was my thought process to spend that hour on that particular issue because it's not a simple open & shut issue. I don't think we

## C. NEW BUSINESS

### 1. Classification Hearing – Board of Assessors

can do the tax classification before that Special Town Meeting. It doesn't seem like there's enough time for that. Mrs. O'Brien-McKinnon – It doesn't give people enough time to present their issues. I think it's too important an issue to do without a television production for it. Mr. Valanzola – In the past this has been more of a formality. Mr. Gibbons – On average there are five people who come here specifically on that issue. Mr. Plante – Then we will be postponing the hearing until 12/6 at 7:00PM.

### 2. Richard Colon – Verizon

Mr. Colon – I'm here at the request of Mr. Plante to discuss an exciting project for our corporation that will be coming to the Town of Rockland. You may have read about it in the newspapers over the past years. This project is referred to as the Fiber to the Premises Project. This is Verizon's effort to remain a competitive company in this rapidly changing technical environment with the conversions of different technologies. This project will position Verizon for these changes that we are in the middle of right now. This project brings a suite of services (voice, data & video products) over our fiber optic network. It's the first application of its kind in the United States bringing fiber optics from our central office to the homes of our customers and small business customers as well. We believe this service will have a significant impact not only for the consumer in terms of price competition for services such as broadband high speed internet access and cable TV but it will also have a benefit for business owners because they for the first time will have access to high speed internet services at prices well below what they could get them for today. As a matter of fact, the services we are planning to offer are faster than any other technology that is out there today. We wanted to come before the BOS to tell the Town what to expect. We met with BOS, DPW and Tree Warden to speak about the first phases of this project. (The tree trimming effort to make the existing rights of way acceptable for the fiber optic technology that will be going along those existing rights of way that we have.) At some point later this year, I will notify the Town as to when we will actually begin the build-out of the network. The Town can expect a significant increase in the number of trucks that you will see in the community...this will be unlike anything you have seen before. We'll build the aerial portion of our network first (75-80% is above ground). The remaining portion in the underground will be built over time at a later date. Building in the ground is a lot more time consuming. Once the aerial portion is built, we will be offering the voice & data portions of our service to consumers and small businesses. The final step in all of this (the video component) needs to be negotiated. We need a cable TV franchise in order to offer that service to the community. We are building in 60 communities in Massachusetts, 40 of these we are in franchise negotiations with. Mr. Valanzola – Asked questions regarding the video. Do you mirror what the community already has? (Mr. Valanzola detailed services we have.) Mr. Colon – Absolutely, the State Law requires that there be a level playing field. What that effectively means is that when we come in to negotiate a license with you, we have to give you an exact value of what your current incumbent provider provides in terms of services. It might not be the exact same type of service (he gave examples) but the

## 2. Richard Colon – Verizon (Continued)

total value of what we give you must equal that value that the incumbent currently provides to the Town. Mr. Chaffee – Questioned that Verizon is putting in the fiber optic cable before you are approved for a license. Mr. Colon – We are building our project under Title II regulations of the Telecommunications Act. That is what governs telecommunication companies like Verizon, etc. The cable TV companies are governed under Title VI regulations of the Telecommunications Act and those regulations require that a franchise agreement be obtained first before they actually begin their build-out. We have existing rights of way in the public realm today; we are not seeking new existing rights of way. We are over lashing this fiber optic network to the existing cables that are in the public rights of way that we have today. Mrs. Parsons – Questioned streets and developments that do not have telephone poles. Mr. Colon – We will address the underground as well, we have rights of way there also. When we get to that stage, we will follow those existing pathways. We will hopefully minimize any disruption to the roads. We may need street opening permits and will follow the procedure set up by the Town when and if necessary. Mrs. Parsons – You are going to do above ground first. Then you are going to come back and do roadways (mainly new developments that do not have telephone poles) .... I think what I'm trying to get at is that some people will have access to it and some people won't. Mr. Colon – Certainly yes in the early stages of the build-out. The aerial portions will be completed first and they will have access to the voice and data services before the underground communities get completed but the lapse in time is not that great. We are probably talking in building the aerial about 6 months tops...if we start this project in 2006, we'd be done in 2006 with roughly 70-85% of the community. We will begin the underground portions as quickly as possible. None of these areas in Town will have access to cable TV until we negotiate the cable TV franchise. Mr. Chaffee – Asked about the existing lines. Mr. Colon – The copper network will remain on the poles. He explained the benefits of a fiber optic network. Mr. Chaffee – I have another question....Why Rockland? Mr. Colon – I can tell you that we look at a number of factors...the demographics of the community, the ease of the build, how many households subscribe to cable TV, the average income, diversity in the community, number of broad band users in the community, etc., and we meld those types of demographic factors with engineering issues. So the factors have come together with the Town of Rockland. Mr. Chaffee – Questioned service to the surrounding towns. Mr. Colon - Rockland has its own wire center so, therefore, its one of the first discussion we've had with local communities. BOS questioned DSL vs. Fiber. Mr. Colon's analogy: DSL is like having service through a fire hose; Dial-up is like sucking milk through a straw and the Fiber Service is like Niagara Falls. This was explained in detail. It is light years ahead of what Dial-up & DSL can offer in terms of speed. Dave Murphy – Questioned in the Woburn case that Verizon agreed to continued to support local access even if pending federal legislation stripped localities of their ability to franchise cable...is that an accurate description of that arrangement? Mr. Colon – Yes, P.E.G. channels are something that we are going to continue to support likewise we are planning to continue to support the financial needs of municipalities. Our efforts at the federal and state level is an effort to get speed to market. We need to go town to town to negotiate these agreements which is a very time consuming process. We would like to be in the market sooner and if we had federal legislation or even state level legislation that

## 2. Richard Colon – Verizon (Continued)

allowed us to do this by getting one state level and federal franchise we would be able to accomplish that goal. David Murphy – You can certainly understand how that makes people like me nervous. Mr. Colon – Absolutely but the facts are what they are. We've stated this to legislators and congress in Washington and we will stand by that statement. Brenda Kelly (Hotel Thomas) explained how her business has been adversely affected by the work Verizon has been doing on Union Street. We have tried and tried to get someone from Verizon to speak with us. Mr. Colon – Is this a repair issue? Brenda – Yes. Mr. Colon - I will give you my business card and we'll address your problem tomorrow.

## 3. EBS Foran – Information on Health Insurance – Ken Lombardi & Ed Burns

Mr. Plante – We contacted EBS Foran they are well known in the State relative to consulting on health plans. As you know the health budget is a big issue. Ken Lombardi came out and he had some thoughts and made a proposal to us. Ken Lombardi – (Passed out an agenda) One of our specialties is to provide insurance counseling to municipal employers such as Rockland. You may or may not know how health insurance is procured through the Town of Rockland. Currently the Town of Rockland participates in the Plymouth County Health Group which is formed under various laws of Chapter 32B. I refer to this as a purchasing group. Plymouth County Health Group provides several plans for employees. Those plans are provided by Blue Cross/Blue Shield and Harvard Pilgrim Health Care. The trust that manages this health insurance plan is self-insured (which simply means: all of the proceeds based on the premium rates established each July 1<sup>st</sup> are set and the cities & towns contribute toward the health insurance into the Plymouth County and that pays for all the benefits incurred by the membership and expenses that are associated with the plan.) Essentially what that means is that we don't know if the Town of Rockland is getting a good deal. Are you paying more in premium based on the benefits that your membership is incurring? Our proposal is really designed to try and help you to determine that. We are going to try and review some data from the various carriers that represent the benefits incurred by your membership to determine if that is in fact the case. It may be that we can conclude that you being part of Plymouth County is in your best interest, it may also suggest to you that after doing the study and looking at options may be in your best interest. We don't know that until we analyze this information. The important thing is making sure you are getting the best bang for your buck. In our opinion and based on the way the Plymouth County Health Group is structured, there is very little flexibility in plan design and it's important that the Town understands that. One of the keys to containing costs in the future will be some flexibility in plan design. Not being insensitive to the fact that certainly bargaining is always an issue when it comes to changing employee benefits under 150E...there are a number options in the market place today that may actually increase your employee benefits while lowering costs. That is an option that you need to look at. Ed Burns gave an overview of health insurance with Plymouth County Health Group and rate increases in the industry. BOS questioned different insurance issues. Mr. Pratt – Being in the insurance industry as long as I have been I'm not afraid to say that I'm not an expert in municipal health insurance. After speaking to these gentlemen...they are experts in this

### 3. EBS Foran – Information on Health Insurance – Ken Lombardi & Ed Burns (Continued)

specific area (they know municipal insurance, they know Plymouth County and are affluent in municipal health insurance) and I will lend everything I have to these gentlemen. Mr. Plante – The fee for this will be \$6,500 and I need to check to see if 30B allows me to hire them directly or if I'm going to have to get two more quotes....which I may have to do. If the BOS authorizes me to go forward tonight and identifies a funding source I would appreciate it. Mr. Chaffee – We could take this under advisement and have you look into the fact of whether procurement necessitates you to go out and get two other bids. Mr. Plante – Because it's over \$5,000 I can't hire them directly. I think I will have to get two other quotes.

**Motion: Mr. Chaffee to take this under advisement**

**Second: Mrs. Parsons**

**Vote: 5-0**

### D. TOWN ADMINISTRATOR'S REPORT

Mr. Plante – We now have six members on the Capital Planning Committee. The Finance Committee has appointed Mike Johnson, Moncrief Road and Bob Gasdia, Damon Road. We only have one vacancy and that would be the Moderator's appointment. I had a phone conversation with Scott MacKinlay and they will be calling a meeting sometime in the near future to get started. Obviously they will have to appoint a chairman and so on. I got a sample capital improvement plan from another community for them to look at and hopefully we will get them underway.

The next issue has been going on for a long time; I'm just now making it public. We are being fined by the DEP for \$8,000.00 for contamination at the fire station. They don't call them fines...they call them "permit fees". Apparently this dates back to 2003. Basically what happened was by State statute/mandate we had to remove all the heating oil fuel tanks that were around town (the elementary schools, fire station, there were several of them around). They came out with the new regulation that they had to be double lined with certain specifications per the DEP and some other folks. Part of that process when the tanks were removed was that there had to be testing of the soil to be sure that those oil tanks did not leak. What happened was, when we did it up at the fire station there was clearly contamination .... in fact extensive contamination, however, it was not #2 home fuel heating oil it was benzene (which is gasoline). The Town of Rockland has never had gasoline storage tanks at the fire station. Upon further investigation, we realized it was the result of the old Mobile Station. Jimmy Killinger knew exactly where the records were. So I have all the records showing exactly what tanks were in there. They had six gas fuel tanks totaling 22,000 gallons of fuel. We have all the permits that were signed and authorized all the way back to the '30's. First of all I want to commend the Fire Department and all the former chiefs and everyone who maintained those records. I think they are going to come in useful. I sent a letter to Mobile Oil (Exxon) and they said they will accept the information and open a file claim and so on. All the tests results from CDM were sent down to them and we never heard another word from them. I have been in touch with CDM to see if we can contact them. I'm also in the process of identifying the individual at DEP that we need to talk to .... I'm sure there is a certain person there that handles these. I also been informed from CDM that Mobile has several sites around the State similar to ours that they are in the process of either cleaning up or working with the local community. CDM

## **D. TOWN ADMINISTRATOR'S REPORT (Continued)**

has informed me that just to do the testing to determine exactly how much contamination we have will be about \$40,000.00. Obviously, the \$8,000.00 fine and the testing from CDM I don't feel the Town should have to pay for. I feel that Mobile is clearly responsible (by the way it was the mid '70's when this all occurred). Mr. Plante gave a history of this parcel of land. I do not believe that there is a statute of limitations on contaminations. Clearly I feel that Mobile/Exxon has some responsibility here. Mrs. Parsons – You'll have to tell DEP to go after Mobile/Exxon. We are not looking for any windfall of money, we just want this made whole....cleaned up and fixed. I felt the BOS and the Town needed to be aware of the problem Mobile left us with in the mid '70's. I have no intentions of paying that \$8,000.00 and I'll let DEP know that...this will be a Mobile issue.

The Fire Station roof bids will be due the 30<sup>th</sup> of this month. We did have a pre-bid meeting last week. Five or six contractors came so I expect that we will have a handful of bids.

There will be a BOS meeting one hour before Special Town Meeting on the 5<sup>th</sup> and our regular meeting is still scheduled for December 6<sup>th</sup>.

## **E. CORRESPONDENCE**

Mr. Valanzola read the following correspondence:

- (1) Letter from Beverly Borges requesting that Cynda Child replace Ruth Gobeil who tendered her resignation as Delegate to Old Colony Elderly Services. Cynda has expressed her willingness to take over Ruth's term.

**Motion: Mr. Chaffee to appoint Cynda Childs as Rockland's Delegate to Old Colony Elderly Services**

**Second: Mr. Pratt**

**Vote: 5-0**

- (2) Letter from Beverly Borges (COA) thanking the following people and organization for their help and donations: K of C for the turkey dinner on 11/6/05; Sons of Italy for dinner on 11/13/05; VFW Ladies Auxiliary No. 1788 for making the Meals on Wheels Program the beneficiary of their "Make a Difference Day"; and for the help with our new van we would like Ed Borges, Rick Brine, Bob Corvi.

- (3) Letter from Beverly Borges (COA) to thank Rick Brine (Creative Graphics) for his generosity in donating his time and work for lettering the COA van.

- (4) Letter from Michael W. McCue, President of Massachusetts Selectmen's Association asking the Rockland BOS support to a pending bill (Bill 4809) in the House of Representatives which proposes to eliminate the state gas tax for municipal vehicles. BOS questioned what the lost revenue would be.

**Motion: Mr. Pratt to table**

**Second: Mr. Chaffee**

**Vote: 5-0**

## **E. CORRESPONDENCE**

- (5) Letter from Chief Donovan advising that November 28<sup>th</sup> the ALL NIGHT parking ban will take effect.
- (6) News letter from Merrill Lynch – To celebrate the holiday season Merrill Lynch will open its doors to local senior citizens for free use of the firm's telephones to call friends and loved ones worldwide. Any senior citizen wishing to participate must contact the COA to schedule their hour time slot.
- (7) Letter from Girl Scout Leader Theresa Maguire to Chief Donovan thanking him for helping with their haunted hayride....signed by girl scouts & boy scouts.

## **F. OPEN FORUM**

Mr. Chaffee - would like to congratulate the Rockland Mites Football Team who won the championship this Sunday. The Peewee's also played in a championship game but they unfortunately did not win. They had a good season and represented the Town well.... Congratulations. Happy Thanksgiving, I hope everyone has a nice holiday.

Mrs. Parsons – Just have a delicious Thanksgiving.

Mr. Pratt – Congratulations to the Rockland Cheerleaders Peewee squad for coming in first place on Saturday at the CYCA Competition. (Mr. Pratt read the players names.) Have a happy and safe holiday season and drive carefully.

Mrs. O'Brien-McKinnon – The library will close 5:00PM on Wednesday, November 23<sup>rd</sup> and reopen on Friday, November 25<sup>th</sup> at 10AM-4:00PM and also Saturday from 10AM-4:00PM. A reminder that the foundation is still selling bricks and it would be great to buy them for the holidays for gifts for your family as well as there is a raffle at the library Wednesday morning for a basket that was donated. Have a great Thanksgiving and don't forget the food pantry and St. Vincent DePaul's to donate to people who may not have food to put on their tables.

Mr. Valanzola – Town Meeting is on December 5, 2005 at 7:00PM hopefully everyone can get their early to get this thing done with. I was hoping that Eric was here to give us some ideas where we stand. Mr. Plante – I asked him to come, I don't know where he is. The auditors finished up today. Eric hand delivered all the paperwork for the free cash to DOR today. This Special Town Meeting is very important...we need to balance the budget and we have some actions to take...if we don't get a quorum we are really going to have to finagle the bagel, I'm not sure how we are going to do it. We did send a notice to all residents.

Mr. Valanzola – Don't forget the Holiday Stroll on December 3<sup>rd</sup> beginning at 4:00PM. Santa will arrive approximately 4:05PM. I would like to wish Larry Ryan a speedy recovery in his recent operation. I wish everyone a happy and safe Thanksgiving.

Chief Sammon – The Fire Department is collecting Toys for Tots. New toys ... wrapped and labeled either boy or girl.



## **F. OPEN FORUM (Continued)**

Andy Triantaffelow – When we were being fined a couple years ago because of French’s Stream we all got together and went down to the DEP. We told them point blank that we were not paying them. They negotiated back and forth but we still didn’t pay it. We had the TA and a couple of Selectmen, Conservation and Sewer Dept. I wanted to talk about the pipes on peoples properties. We’re blaming it on the Highway Department and saying they needed to repair them, then they said it was Conservation, then they would say the Water Department and then Sewer Department. I was given this by one of my attorney friends. In here it states (I’ll give you a copy of this) it’s the Board of Health’s fault. The BOH does all the pipes on people’s property. They should get them to fix it. That’s all I wanted to say. Happy Thanksgiving.

**Motion: Mr. Chaffee to adjourn at 9:50PM to Executive Session for the purposes of Collective Bargaining and Litigation and not to reconvene.**

**Second: Mr. Pratt**

**Vote: 5-0 Mr. Chaffee-yes, Mrs. Parsons-yes, Mr. Pratt – yes, Mrs. O’Brien-McKinnon-yes and Mr. Valanzola-yes**

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LAWRENCE J. CHAFFEE  
VICE-CHAIRMAN

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BRADLEY A. PLANTE  
TOWN ADMINISTRATOR